

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P802983/WO/1	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/007843	International filing date (<i>day/month/year</i>) 15.07.2004	Priority date (<i>day/month/year</i>) 16.07.2003
International Patent Classification (IPC) or national classification and IPC F16K11/056, F16H61/02, F16C3/06		
Applicant DAIMLERCHRYSLER AG		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages _____ as originally filed/furnished
 - pages* 1-11 received by this Authority on 15.03.2005 with letter of 15.03.2005
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. 1-10 as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* _____ received by this Authority on _____
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets 1/1 as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (specify): _____
 - ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (specify): _____
 - ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-11</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-11</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-11</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

D1: DE 11 43 069 B (WESTINGHOUSE BRAKE & SIGNAL)
31 January 1963 (1963-01-31)

D2: DE 83 15 687 U (WILO-WERK GMBH & CO) 4 July
1985 (1985-07-04)

D3: PATENT ABSTRACTS OF JAPAN Vol. 0072, No. 21
(M-246), 30 September 1983 (1983-09-30) & JP
58 113670 A (NIPPON DENSO KK), 6 July 1983
(1983-07-06)

D4: US-A-4 334 441 (IWANAGA KAZUYOSHI ET AL) 15
June 1982 (1982-06-15)

2. D1 is considered the prior art closest to the subject matter of claim 1. D1 discloses (the references in parentheses relate to said document):

2.1 Changeover valve (11) with at least one sealing means (26) arranged in a housing part (12), it being possible, for controlling a flow, to guide said sealing means into at least two valve seats (19, 20) and the sealing means being arranged in a control channel that is open exclusively towards one side of the housing part (12),

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wherein

in one operating configuration, the sealing means (26) assumes a defined initial control position (on the lower valve seat) in a switched-off state.

2.2 The subject matter of claim 1 differs therefore from the known changeover valve in that the sealing means is arranged in a control plate and in that at least three (controllable) channels connect to the flat connection side.

2.3 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

2.4 The problem addressed by the present invention can therefore be considered that of integrating the changeover valve in a control plate of a hydraulic control unit (page 5, first paragraph of the description).

2.5 The solution to this problem proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:

None of the search report citations shows these features and it is not obvious for a person skilled in the art to use these features on the drive as per D1.

In D1 and D2, the changeover valve is arranged in a cylindrical housing.

In D3, the changeover valve is mounted in two control plates, but the three control channels do not connect to one control side.

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In D4, the changeover valve is shown only schematically.

3. Claims 2-11 are dependent on claim 1 and therefore likewise meet the PCT novelty and inventive step requirements.